

REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected Claims 1-16 under 35 U.S.C. §102(b) alleging that the claims are anticipated by the Stevens reference.

The Stevens reference is a design patent of a finger toothbrush. The claim of the design patent is to the ornamental design for a finger toothbrush as shown. Accordingly, Stevens discloses a toothbrush which would fit onto the user's finger.

MPEP 706.2 requires that: [F]or anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

The Stevens reference relied on by the Examiner fails to disclose or suggest a bowling ball accessory. The Stevens reference fails to disclose explicitly or impliedly projections contacting a bowling ball. The projections have a desired configuration such that when force is exerted by the bowler on the bowling ball, the projections flatten to provide a larger surface on the ball to enhance contact with the ball. These features of Applicant's claims are neither explicitly or impliedly disclosed nor suggested by the Stevens reference. Further, these features are not inherently present in the Stevens device. The Stevens reference relates to a finger toothbrush. Thus, the reference teaches, explicitly or impliedly, the brushing of one's teeth with the illustrated brush on the user's finger. Nowhere does the reference suggest that it be modified to be used on a bowling ball.

The only way the Stevens reference can be remotely applied to Applicant's invention is through gross hindsight. Clearly, the Stevens reference does not remotely suggest or disclose using its tooth brush as a bowling ball accessory.

In light of the above remarks, Applicant believes Claims 1 through 16 to be patentably distinguishable over the art cited by the Examiner.

Accordingly, Applicant would submit that all pending claims are in condition for allowance. and respectfully requests the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.


Respectfully submitted,

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